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**TERMINAL DISCLAIMER TO OBIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

3712036-00694

In re Application of: Garcia-Rodenas et al.

Application No.: 10/562,243

Filed: December 22, 2005

For: NUTRITIONAL FORMULA FOR OPTIMAL GUT BARRIER

The owner*, NESTEC S.A., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 12/532,056, filed on 12/22/09, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 30,142



Signature

June 1, 2011

Date

Robert M. Barrett

Typed or printed name

312.807.4204

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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